

## **REMARKS**

Applicant has carefully reviewed the Office Action mailed on September 21, 2007. Claims 19-41 are pending and have been rejected. With this paper claims 19, 28, 37, and 40 have been amended and claims 23, 39, and 41 have been cancelled. Support for the amendments may be found, for example, at page 4, lines 7-17 and at page 5, line 15 through page 6, line 8 of the specification. No new matter has been added. Applicant respectfully traverses all objections made by the Examiner. Favorable consideration is respectfully requested.

### **Specification**

The Examiner objected to the disclosure for informalities at page 2 of the Office Action, and required that the continuing data be updated to reflect issuance of the parent application. The Specification has been appropriately amended herein.

### **Claim Rejections Under 35 U.S.C. §112**

Claims 19-41 were rejected under U.S.C. §112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that, "the claim(s) contain subject matter which was not described in the specification." Applicant respectfully traverses the rejection. The Examiner states that, "There is no indication of a sheath in the parent application." The claims have been amended such that sheath has been replaced with polymer layer. Page 4, lines 10-13 of the present application states, "The distal shaft portion 150 includes the distal tip portion 50 and is comprised of a ribbon braid 170 of counter-wound double Nitinol wires embedded in a layer of hydrophobic polymer 180 to prevent the braiding 170 from being exposed. The polymer layer 180 may be covered with a hydrophilic coating." Additionally, page 5, lines 3-5 states, "The proximal shaft portion 140 and intermediate shaft portion 145 are preferably made of a substantially hollow Nitinol tubing 182 coated with the hydrophobic polymer layer 180. The polymer layer 180 may be covered with a hydrophilic coating." The polymer layer is clearly taught in the parent application. For at least these reasons, the Applicant submits that claims 19-41 are now in condition for allowance.

### **Double Patenting**

Claims 19-41 were rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 3, 4, 5, 6, 8 and 14 of U.S. Patent No. 6,716,207

in view of Heaven et al. (U.S. Patent No. 5,318,528). Applicant does not concede the correctness of the above rejection, but in the interest in furthering prosecution, Applicant has filed herewith a Terminal Disclaimer.

**Claim Rejections Under 35 U.S.C. §103**

Claims 19-22, 26, 29, 37, 38 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Qin et al., (U.S. 6,251,092) in view of Donadio III et al. (U.S. 5,741,429) further in view of Heaven et al (U.S. 5,318,528). Applicant respectfully traverses this rejection.

Independent claims 19, 37, and 40 have been amended to include the limitations of dependent claim 23, 39 and 41 respectively, which were not subjected to a rejection under §102 or §103. Accordingly, claims 23, 39 and 41 have been cancelled. Applicant respectfully asserts the cited prior art fails to teach the medical device of the claims. Applicant submits independent claims 19, 37 and 40 are now in condition for allowance. As claims 20-22, 26 and 29 and claim 38 depend from claim 19 and claim 37, respectively, and contain additional significant limitations, Applicant also submits these claims are now in condition for allowance.

**Conclusion**

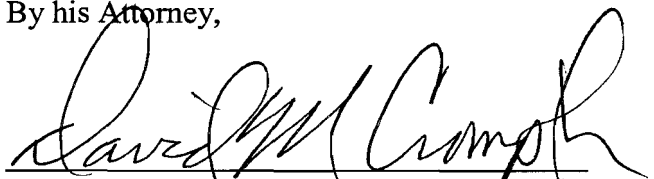
Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Roger Farnholtz

By his Attorney,

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